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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Senanayake *et al.* Confirmation No.: 5396  
Serial No.: 10/643,941 Art Unit: 1621  
Filed: August 20, 2003 Examiner: B. Davis  
For: METHODS OF PREPARING Attorney Docket No: 4821-522  
DIDESMETHYLSIBUTRAMINE  
AND OTHER SIBUTRAMINE  
DERIVATIVES

**RESPONSE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed September 28, 2004, please consider and enter into the file of the above-captioned application the amendments and remarks provided below. Enclosed herewith is a Terminal Disclaimer.

Amendments to the Claims are reflected on the listing of claims that begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

**Remarks**

Claims 26-37 are pending in this application. No new matter has been added. Applicants respectfully submit that the rejection of pending claims should be withdrawn for at least the following reasons.

**The Rejection Under 35 U.S.C. § 112, ¶ 2, Should Be Withdrawn**

On pages 2 of the Office Action, claims 26-37 are rejected as allegedly indefinite. In particular, claim 26 is rejected because Formula 2 is undefined, and claims 27-37 are rejected because they incorrectly recite the claim from which they depend. In view of the amendments made to the pending claims, Applicants respectfully request that the rejection under 35 U.S.C. § 112, ¶ 2 be withdrawn.

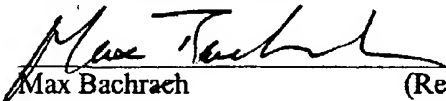
**The Rejection Under Judicially Created Obviousness-Type Double Patenting Should Be Withdrawn**

On pages 2-3 of the Office Action, claims 26-37 are rejected under judicially created obviousness-type double patenting over claims 1-11 of U.S. Patent No. 6,610,887. Without addressing the substance of the rejection, Applicants submit herewith a terminal disclaimer. In view of this terminal disclaimer, Applicants respectfully request that the rejection of the pending claims be withdrawn.

No fee is believed due for this submission. However, if any fees are required for the entry of this paper or to avoid abandonment of this application, please charge the required fees to Jones Day Deposit Account No. 503013.

Respectfully submitted,

Date: November 23, 2004

  
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